



***ARIZONA STATE SENATE***  
***Fifty-Second Legislature, Second Regular Session***

**FACT SHEET FOR S.B. 1284**

public accommodations; service; civil actions

Purpose

Specifies requirements and compensation for civil actions filed pursuant to the Americans with Disability Act (ADA).

Background

The ADA as defined by statute means the 42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611 and the ADA Amendments Act of 2008 (A.R.S. § 41-1492).

Statute provides that, in a noncriminal case, the presiding judge of the superior court or the judge's designee may declare a pro se litigant a vexatious litigant if certain conditions are met. A vexatious litigant cannot file a new pleading, motion or other document without prior leave of the court. Vexatious conduct includes: 1) repeated filing of court actions solely or primarily to harass; 2) unreasonably expanding or delaying court proceedings; 3) initiating or defending court actions without substantial justification; 4) engaging in abuse of discovery or conduct in discovery that has resulted in sanctions; 5) engaging in a pattern of making unreasonable, repetitive and excessive requests for information; and 6) repeated filing of documents or requests for relief that have been the subject of previous rulings by the court in the same litigation (A.R.S. § 12-3201).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a person or attorney to submit written notice describing the prohibited act or practice to the covered person or entity and allow 60 days to comply with the law before filing a civil action pursuant to prohibited act or practice under the ADA.
2. Requires a person filing a civil action to submit an affidavit, under penalty of perjury, that the person has read the entire complaint, agrees with all of the allegations and is not receiving anything of value from an attorney in exchange for filing a civil action.
3. Prohibits a demand for a specific amount of money before a civil action has commenced but may state the covered person or entity may be civilly liable for a violation.

FACT SHEET

S.B. 1284

Page 2

4. Allows the court to stay an action filed pursuant to the ADA to determine if the person or the person's attorney is a vexatious litigant, or if there are multiple civil actions that involve the same plaintiff or attorney that should be consolidated before trial.
5. Prohibits the court from awarding civil penalties and compensatory damages in civil actions filed pursuant the ADA.
6. Makes technical and conforming changes.
7. Becomes effective on January 1, 2017.

Prepared by Senate Research

January 28, 2016

RH/rf